

status under subsection (a), adjust the status of the beneficiary to that of an alien lawfully admitted for permanent residence if—

(1) the Attorney General finds that the beneficiary has exhibited conduct during such period which demonstrates good moral character (including community ties and the performance of community service, prescribed by the Attorney General at the time of adjustment of status under subsection (a), directed toward publicizing the dangers of using controlled substances);

(2) the beneficiary establishes that he has resided continuously in the United States since the date he was granted such temporary status; and

(3) the beneficiary establishes that he—

(A) is admissible to the United States as an immigrant, and

(B) has not been convicted of any felony or three or more misdemeanors committed in the United States.

(d) **TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.**—During the period the beneficiary is in temporary status under subsection (a), the beneficiary shall not be considered to have failed to maintain continuous residence in the United States for purposes of subsection (c) by virtue of brief, casual, and innocent absences from the United States.

(e) **AFFIDAVITS.**—The Attorney General may require the beneficiary to submit affidavits for purposes of determinations made under subsection (c).

Approved November 8, 1988.

Private Law 100-37 100th Congress

An Act

Nov. 9, 1988
[H.R. 1388]

For the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, Kurt Olofsson, and John Jenks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT BY SECRETARY.

The Secretary of the Treasury shall pay the sum of \$101,622.00, out of any funds in the Treasury not otherwise appropriated, to the United States Property and Fiscal Officer for the State of Massachusetts to be distributed by such officer in accordance with section 2. Such payment shall be in full settlement of all claims against the United States arising from the unauthorized placement of the persons named in paragraphs (1) through (10) of section 2(a) under the Federal Civil Service retirement system upon the reemployment of such persons with the Massachusetts National Guard.

SEC. 2. PAYMENT BY UNITED STATES PROPERTY AND FISCAL OFFICER.

(a) **PAYMENT.**—Except as provided in subsection (b), the United States Property and Fiscal Officer for the State of Massachusetts, upon receiving the payment authorized by section 1, shall pay—

(1) \$5,459.09 to David Butler;

(2) \$14,531.48 to Aldo Cirone;

- (3) \$4,143.07 to Richard Denisi;
- (4) \$17,447.82 to Warren Fallon;
- (5) \$7,273.20 to the estate of Charles Hotton;
- (6) \$13,280.68 to Harold Johnson;
- (7) \$8,516.86 to Jean Lavoie;
- (8) \$8,677.43 to Vincent Maloney;
- (9) \$6,627.43 to Austin Mortensen;
- (10) \$5,812.55 to Kurt Olofsson; and
- (11) \$9,852.39 to John Jenks.

(b) **DEDUCTION OF INTEREST OBLIGATION.**—If any person named in paragraphs (1) through (10) of subsection (a) has an interest obligation to the Massachusetts State Board of Retirement on the date of enactment of this Act because of the unauthorized placement of such person under the Federal Civil Service retirement system, the United States Property and Fiscal Officer for the State of Massachusetts shall pay such obligation from the amount authorized for payment under subsection (a) before making any payment to, or on behalf of, such person under subsection (a).

SEC. 3. LIMITATION ON ATTORNEY'S FEES.

No amount in excess of 10 percent of any payment authorized by section 2(a) shall be paid to, or received by, any agent or attorney in consideration for services rendered in connection with such payment. Any violation of this section shall be a misdemeanor and any person convicted thereof shall be fined not more than \$1,000.

SEC. 4. RETURN OF OVERPAYMENT.

The payments made pursuant to the provisions of section 2 of this Act reflect payments authorized with interest calculated through December 1988. If payments are made to the individuals listed in such section prior to January 1, 1989, such payments shall be recomputed to such earlier date and the difference between such amount and the payment authorized by this Act shall be returned to the Treasury of the United States.

Approved November 9, 1988.

Private Law 100-38 100th Congress

An Act

For the relief of Rosa Pratts.

Nov. 9, 1988
[H.R. 2109]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to subsection (b) and notwithstanding section 204 of the Immigration and Nationality Act, in the administration of such Act, Rosa Pratts, the widow of a citizen of the United States, shall be deemed to be an immediate relative within the meaning of section 201(b) of such Act.

(b) Subsection (a) shall only apply if Rosa Pratts applies for a visa and for admission to the United States not later than two years after the date of the enactment of this Act.

Approved November 9, 1988.